# Vermont's Farmland Solar Policy

Genevieve Byrne

Vermont Law School, Farm and Energy Initiative

gbyrne@vermontlaw.edu

July 22, 2021

ARRAY CAPACITY

ROOF-MOUNTED:

UP TO 500KW

GROUND MOUNTED:

VERMONT'S CERTIFICATE OF PUBLIC GOOD

500KW - 2.2MW



UP TO 15KW

15 - 50KW

50 - 150KW

150 - 500KW

500KW - 2.2MW



GRID INTERCONNECTION

OBTAINING A

CERTIFICATE OF

PUBLIC GOOD

The criteria and

application

process for

obtaining a CPG

change based

on solar project

capacity.

Simplified interconnection requirements are available for gound-mounted systems up to 150kW and roofmounted systems up to 500kW.

Systems larger than 150kW must comply with Rule 5.500, with a fast-track available for projects meeting screening criteria..

## REGISTRATION

Single approval criteria: the project "will not adversely affect system stability and reliability."

Ten days after receiving a certificate of compliance with interconnection requirements. a CPG is automatically "deemed issued."



## APPLICATION

Applicants submit evidence of compliance with criteria relating to orderly development system stability and reliability, outstanding resource waters. setbacks, aesthetics, historic sites, air and water purity, the natural environment and use of natural resources, and public health and safety. If the customer keeps the RECs, criteria for need must also be met.

#### PETITION

- · Formal process in which applicants must submit evidence of compliance with all §248 (b) criteria.
- · Environmental permitting is examined as part of CPG process.
- · For projects of "limited size and scope," an expedited process is available under §248(j).



A simplified petition and review process is also available for projects 140kW-2.2MW, in which certain Section 248 criteria may be waived.

#### DECOMMISSIONING

All projects 150kW and greater must be removed when no longer in service, with the site restored to prior condition.

Projects above 500kW must submit a decommissioning plan and identify a source of funds.

AESTHETIC

All ground-mounted arrays >15kW and roof-mounted arrays >500kW must abide by specific rules for aesthetic mitigation.

## Role of the Agency of Agriculture, Food, and Markets

- The Public Utility Commission must consider impacts to prime agricultural soils for all ground-mounted solar projects over 15kW.
- For ground-mounted projects 50kW or larger, the AAFM receives notice of proposed projects.
- AAFM has the right to appear at PUC hearings for projects between 15-500kW and must appear if the system is greater than 500kW and located on agricultural soils.
- Conditions for the protection of agricultural soils can be included in a project's Certificate of Public Good.

## Vermont Net Metering: REC and Siting Adjustors

Start with blended residential rate.

#### REC

Rate Adjustor

(\$0.00)

Transfer to Utility: + \$0.01/kWh

(-\$0.04)

Keep RECs: - \$0.03/kWh

\$0.16413/kWh

## LIST OF PREFERRED SITES FOR SOLAR ARRAYS

Negative Adjustors = Perpetuity

Zero and Positive Adjustors = 10 years

- new or existing structures;
- (2) parking lot canopies;
- (3) previously developed tracts, excluding prime agricultural land and other resources;
- (4) brownfields;
- (5) suitable sanitary landfills;
- (6) disturbed portions of gravel pits and quarries;
- (7) locations designated in "duly adopted" municipal plans or joint letters of support from the municipality and relevant planning commissions.
- (8) suitable Superfund sites;
- on the same or adjacent parcel as a customer using more than 50% of the system output.

## **UP TO 15KW**

15 - 50KW

50 - 150KW

150 - 500KW

## CATEGORY 1:

## **ANNER**

Arrays <15kW in any location receive (+)\$0.01/ kWh

(-\$0.01)

#### CATEGORY 2: ADDER

Arrays 15-150kW located ON a Preferred Site receive (+)\$0.01/ kWh

(-\$0.01)

## CATEGORY 4: SUBTRACTOR

Arrays 15-150kW NOT located on a Preferred Site receive (-)so.o3/kwh (-\$0.05) CATEGORY 3:

## SUBTRACTOR

Arrays >150kW located ON a Preferred Site receive

(-)\$0.02/ kWh

(-\$0.04)

(SEPT. 2021 VALUE REDUCTION)

## Land Use Value Appraisal Program

- "Current Use" Taxation Program
- Allows net-metered and off-grid solar installations 50kW or less to be siting on enrolled land.
- Allows other installations (up to 500kW) are allowed if they qualify as a "farm improvement."
- General Rule: 50% of the energy must be used by the farm.

## **Upcoming Proceedings:**

- 1) PUC Notice of Workshops and Request for Comments on Net Metering Rule 5.100:
- August 24, 2021: PUC application Process and administrative issues
- September 16, 2021: Net-Metering Compensation, including potential alternatives to retail rate

2) 2022- Net-Metering Biennial Review Process